

1 The Honorable Judge Marsha Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 TRAVIS MICELSON, DANIELLE H.)
10 MICELSON, and the marital community)
11 thereof,)
12 Plaintiffs,)
13 v.)
14 CHASE HOME FINANCE, LLC, an unknown)
15 entity; JPMORGAN CHASE BANK, N.A., a)
16 foreign corporation; MORTGAGE)
17 ELECTRONIC REGISTRATION SYSTEMS,)
18 INC., a foreign corporation; NORTHWEST)
19 TRUSTEE SERVICES, INC., a domestic)
20 corporation; CHICAGO TITLE, an unknown)
21 corporation; ROUTH CRABTREE OLSEN,)
22 P.S., a domestic Personal Services Corporation;)
23 FEDERAL HOME LOAN MORTGAGE)
24 CORPORATION, a corporation; JEFF)
25 STENMAN, and JANE DOE STENMAN,)
26 individually, and the marital community)
comprised thereof; VONNIE McELLIGOTT)
and JOHN DOE McELLIGOTT, individually,)
and the marital community comprised thereof;)
RHEA S. PRE and JOHN DOE PRE,)
individually, and the marital community)
comprised there; and ROBOSIGNERS DOE 1-)
10;)
Defendants.)

Defendants Jeff Stenman and Jane Doe Stenman (“Stenman”), Vonnie McElligott and
John Doe McElligott (“McElligott”), and Rhea S. Pre and John Doe Pre (“Pre”) hereby join in
JPMorgan Chase Bank (“Chase”), Mortgage Electronic Registration Systems, Inc. (“MERS”),

DEFENDANTS STENMAN, McELLIGOTT,
AND PRE’S JOINDER IN DEFENDANTS
CHASE, MERS, AND FREDDIE MAC’S
PARTIAL MOTION TO DISMISS

1 of 2 C11-01445 MJP

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1 and Federal Home Loan Mortgage Corporation's ("Freddie Mac") collectively, ("Moving
 2 Defendants") Partial Motion to Dismiss Plaintiffs' Amended Complaint pursuant to F.R.C.P.
 3 12(b)(6) (the "Moving Defendants' Motion") filed on January 12, 2012. [Dkt. 43]. Defendants
 4 Stenman, McElligott, and Pre incorporate the entirety of Moving Defendants' Motion, all
 5 exhibits thereto, as if fully set forth herein.

6 By way of further response, Defendants Stenman, McElligott, and Pre note that the
 7 majority of courts have held that activities, including that of a foreclosing trustee (and individual
 8 employees thereof), in furtherance of a nonjudicial foreclosure is not debt collection under the
 9 Fair Debt Collection Practices Act ("FDCPA") and those parties are not debt collectors.¹

10 In view of the foregoing, Defendants Stenman, McElligott, and Pre respectfully request
 11 their Joinder in the Moving Defendants' Motion be granted and that Plaintiffs' Amended
 12 Complaint be dismissed as to Defendants Stenman, McElligott, and Pre.

13 DATED this 19th day of January, 2012.
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15 **ROUTH CRABTREE OLSEN, P.S.**

16 _____
 17 /s/ Heidi Buck
 18 Heidi E. Buck, WSBA No. 41769
 19 Of Attorneys for Defendants Routh Crabtree
 20 Olsen, P.S. and Northwest Trustee Services,
 21 Inc.

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 23 ¹ See *Roman v. Nw. Tr. Services, Inc.*, C10-5585BHS, 2010 WL 5146593 *3 (W.D. Wash. Dec. 13, 2010); see also
 24 *Hulse v. Ocwen Federal Bank, FSB*, 195 F.Supp.2d 1188, 1204 (D. Or. 2002); see also *Jordan v. Kent Recovery*
 25 *Services*, 731 F. Supp. 652, 657-58 (D.Del.1990); see also *Armacost v. HSBC Bank USA*, Slip Copy, 2011 WL
 26 825151, D.Idaho (February 09, 2011); see also *Anokhin v. BAC Home Loans Servicing, LLP*, Slip Copy, 2010 WL
 5393972 (E.D.Cal.,2010); see also *Beadle v. Haughey*, 2005 DNH 16 (D.N.H. 2005); see also *Bittinger v. Wells*
 27 *Fargo Bank NA*, 744 F. Supp. 2d 619 (S.D. Tex. 2010); see also *Gentsch v. Ownit Mortg. Solutions Inc.*, Slip Copy,
 28 2009 WL 1390843 (E.D.Cal.,2009); see also *Heinemann v. Jim Walter Homes, Inc.*, 47 F. Supp. 2d 716, 722 (N.D.
 29 W. Va. 1998); see also *Montgomery v. Huntington Bank*, 346 F.3d 693, 700 (6th Cir. 2003); and see *Powell v.*
 30 *Residential Mortg. Capital*, Slip Copy, 2010 WL 2133011 (N.D.Cal.,2010).